

Remarks

I. Status of Claims

Claims 1-19 are pending. Claims 1 and 18-19 are independent. Claim 1 is currently amended and claims 18-19 are newly added. Claim 18 generally tracks claims 1, 2, and 8. Claim 19 generally tracks claims 1, 2, and 11. Therefore, the Applicant believes that no new matter is added.

Claims 3-6 and 15-17 have been withdrawn from consideration. Since claims 3-6 and 15-17 depend directly or indirectly from claim 1, upon the allowance of claim 1, the claims should be rejoined under 37 CFR 1.141.

Claims 1, 7, 9, 13 and 14 are rejected under 35 USC 103(a) as allegedly being unpatentable over Braun (USPUB 2004/0144367) ("Braun" in view of Alder (USPUB 2004/0107943) ("Alder").

Claim 2 is rejected under 35 USC 103(a) as allegedly being unpatentable over Braun in view of Alder, as applied to claim 1 above, and further in view of Kraai (USP 5,365,025) ("Kraai").

Claims 8 and 10-12 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Braun in view Alder, as applied to claim 1 above, and further in view of Langer (USP 5,452,577) ("Langer").

The Applicant respectfully requests reconsideration of these rejections in view of the foregoing amendments and the following remarks.

II. Pending Claims

a. Independent Claim 1

Claim 1, the only independent claim addressed in the previous Office Action, stands rejected under 35 USC 103(a) as allegedly being unpatentable over Braun in view of Alder.

The Applicant respectfully submits that claim 1 is patentable over the cited references at least because it recites, "...an inner pipe *extending in the longitudinal direction and fluidly isolated from the inner outer pipe...*" and "...a noise emission decreasing device *located within the inner pipe*, wherein the outer pipe is connected to a plurality of fuel injectors of a multi-cylinder internal combustion engine, *the outer pipe being provided with a connector for causing*

fuel to flow to a fuel passage defined between the outer pipe and the inner pipe.” (emphasis added)

The Office Action recognizes that Braun fails to teach a noise emission decreasing device being adapted to act so as to decrease a noise emitted from the inner pipe. In order to address this deficiency, the Office Action cites Alder. However, the Applicant respectfully submits that Alder does not disclose a noise emission decreasing device that is located within the inner pipe (and that is fluidly isolated from the outer pipe). Instead, the damper of Alder is located within a pipe in which fuel flows.

Also, the invention of claim 1 requires that the outer pipe is provided with a connector for causing fuel to flow to a fuel passage defined between the outer pipe and the inner pipe. It is respectfully submitted that, neither Braun nor Alder disclose such a connector. Thus, even with the combination as proposed, it would still not meet claim 1's requirement that *“the outer pipe being provided with a connector for causing fuel to flow to a fuel passage defined between the outer pipe and the inner pipe.”* Accordingly, even with the combination as proposed in the Office Action, claim 1 is patentable over the cited references.

Moreover, as discussed in MPEP 2143.01, obviousness can only be established by combining or modifying the *teachings of the prior art* to produce the claimed invention where there is some *teaching, suggestion, or motivation* to do so. *In re Kahn*, 441 F.3d 977, 986, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006). That said, the Applicant respectfully submits that neither Braun nor Alder provide any teaching, suggestion, or motivation for modifying each other and/or the prior art in the manner as claimed in the invention of claim 1. Further, as discussed in *KSR Int'l Co. v. Teleflex, et al.*, No. 04-1350, (U.S. Apr. 30, 2007), it remains necessary to identify the reason why a person of ordinary skill in the art would have been prompted to modify the prior art in the manner as recited in the invention of claim 1. Obviousness cannot be sustained on mere conclusory statements.

Accordingly, the Applicant respectfully submits that claim 1 and its dependent claims are patentable over the cited references.

b. Independent Claims 18-19

Further, in our opinion, claims 18 and 19 are patentable over the cited references at least for the same reasons that claim 1 is patentable. In addition these claims are patentable over the cited references because they recite, “a noise emission decreasing device including a mesh and located within the inner pipe only at a portion of a cross-section of an interior thereof...,” and “...a noise emission decreasing device including a mesh and being located within the inner pipe at only a open end...,” respectively.

III. Conclusion

In view of the foregoing discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition. Favorable reconsideration and early issuance of a Notice of Allowance are therefore respectfully requested.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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By: /Daniel G. Shanley/
Daniel G. Shanley
Reg. No. 54,863

KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201